

Interview Summary

Application No.

09/864,846

Applicant(s)

CAI ET AL.

Examiner

Binta M. Robinson

Art Unit

1625

All participants (applicant, applicant's representative, PTO personnel):

(1) Binta M. Robinson.

(3) _____

(2) Brad Crawford.

(4) _____

Date of Interview: 07 August 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-65.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

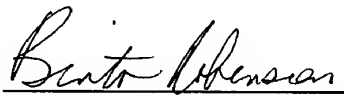
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Attorney Crawford pointed out to the examiner that there were errors in the restriction requirement mailed out 7/12/02. The examiner and attorney agreed that the examiner would revise the restriction requirement, fax it to Mr. Crawford who would then relay the changes to the applicant. The attorney noted that he should be able to get a response from the applicant by 8/12/02.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Art Unit: 1625

DETAILED ACTION***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- 1-31, 33, 34, 36-39, 41-57, 64*
- I. Claims ~~1-22, 41-63, 64, 65~~, drawn to the compound of claim 1 where A, B, and C are selected from *i, ii, iii*, except in *iii* NR3R4 does not represent heteroaryl or heterocycloalkyl, E is everything as claimed except heterocycloalkyl or heteroaryl, F is as claimed, G is *i, ii, iii, iv, v, vi*, where R11, R11, R12, R12', R13 are all moieties claimed except NR6R7 equal to heteroaryl or heterocycloalkyl, method for treating, and a pharmaceutical composition, classified in class 546, subclass 121.
- 1-21, 41-57, 63, 64*
- II. Claims ~~23, 24, 25-57~~, drawn to a compound of claim 1 where A, B, and C is *iii* where R3R4N- equals piperazine or a 6 membered heterocycloalkyl ring with 4 carbons and 2 nitrogens, F is as claimed, G is as claimed, *i, ii, iii, iv, v, vi*, where R11, R11, R12, R12', R13 are all moieties claimed except NR6R7 equal to heteroaryl or heterocycloalkyl, classified in class 544, subclass 238.
- 32, 40-57*
- III. Claims ~~23, 24, 25, 26-57~~, drawn to a compound as claimed in claim 1 where A, B, C are selected from *i, ii, iii*, except in *iii* NR3R4 does not represent heteroaryl or heterocycloalkyl, *E is imidazol-1-propoxy or* E is imidazol-1-propyl, G is *i, ii, iii, iv, v, vi*, where R11, R11, R12, R12', R13 are all moieties claimed except NR6R7 equal to heteroaryl or heterocycloalkyl, F is as claimed, classified in class 546, subclass 121.
- IV. Claims *58, 59, 61, 62, 65* drawn to a compound where A, B, or C are halogen, C₁-C₆ alkyl straight or branched containing zero, one or double or triple bonds optionally substituted as claimed, F and R20 and R21 are as claimed.

The inventions are distinct, each from the other because of the following reasons:

In the instant case the different inventions have achieved a separate status in the art, have separate fields that aren't coextensive, and are capable of supporting separate patents. Further, a prior art reference that would anticipate the claims under 35 USC 102(b) would not render obvious the same claim(s) under 35 U. S. C. 103 (a) with respect to another member. Searching the entire genus would be a burden on the USPTO in terms of time and expense.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Steve Sarussi on 6/17/02 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binta M. Robinson whose telephone number is (703) 306-5437. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on (703)308-4698. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7922 for regular communications and (703)308-7922 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0193.

Binta Robinson

BMK
July 8, 2002

Alan L. Rotman

ALAN L. ROTMAN
SUPERVISORY PATENT EXAMINER
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